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NOT THE GLORY OF CÆSAR; BUT THE WELFARE OF ROME.

BY H. B. STACY.

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CONFESSIONS OF A QUACK DOCTOR.

From a late London paper.

My days, my very hours are numbered: the cold hand of death presses heavily and painfully upon me: I tell that this bed will be the last, save an earthly one, on which the proprietor of the Balm of Bethesda will ever lay. I shall be far beyond the reach of the indignation and censure of a last atonement, if I lay before the public, certain particulars wherein I have played a conspicuous though a deceitful part. At the same time I must beg the reader to have the candor to bear in mind this remark, that what I have done has been merely for the sake of gain, and not out of malice or ill will to my fellow creatures as a body, or to any individual in particular.

I shall commence with a short sketch of my early life. My father, Reuben Killman was a brewer, in a small market town. He married, for his fourth wife, the daughter of the principal apothecary of the place. The issue of that marriage was the author of the present memoir. A short time before I was born, my poor mother had been reading the poems of the Poet Laureate, which made so great an impression on her, that she insisted on my being christened by the name of Thalaba.

That dear parent was so fondly attached to her only offspring, that during her life, she never would allow my tender frame to be exposed to the cruelty of a lurching bearing, as she frequently styled that awful monster. On the contrary, she determined to educate me herself, and in order that she might direct my talents, of which she had the highest opinion, in the proper channel, she seized the opportunity of taking me, at the age of eight years, to be examined by a celebrated phrenologist, who had announced that he should enlighten the two by a few lectures on his subtle science. I well remember the laying out of hands of that slender gentleman. After day examining the outward signs of my inward powers, he informed my mother that my developments were so interesting and complicated, that he would take time for reflection, and send her a written opinion. The good lady, gratified by the pains and attention he was paying her favorite, slipped half a guinea into his learned palm, and went home to wait for the promised particulars.

The next day she received the following note:

"Madam,—The real cause of my not announcing your son's organs yesterday, was that I was anxious not to expose him before other parties; but the sacred obligation of truth compels me to state, that I find the organs of *acquisitiveness* and *destructiveness* so strong, that I can have little doubt, he will be led on from robbery to murder, and finally, end his days at the gallows, unless you take great pains in cultivating his organs of *conscientiousness*, &c. as explained in my little work, price 1s. 6d. Your obedient servant, MANUEL PALMER."

My mother's rage at this epistle may be conceived. She instantly set off on a cross-ride against the phrenologist, and called on every neighbor and gossip in the place, denouncing the man's ignorance, and proving it by his letter, and the well known amiable qualities of her interesting child. I believe the lectures were, after all, as well attended as ever. My father was angry with my mother for exposing the faults of his child, and told her she ought to have hushed up the business. The poor lady retorted, and a quarrel ensued. It was however made up, and the reconciliation was evidently sincere on my father's part as he advised my mother the following day to leave off brandy and water, which they had always been in the habit of drinking, as he thought *ale* would be better for her. Although she did as he recommended, my father lost his wife, and I my kind parent in less than three months from that time.

I wished to put my mother's tortoise shell coat into mourning on the occasion, and she told the clothes I made for her, I resolved to blacken those which nature had given her with ink. I had just begun the operation, and had placed the unfeeling animal head foremost down in a host, with a quart ink bottle in my other hand, when my father appeared. Seeing how I was occupied, he rushed to wards me. The abruptness of his manner, (though I was doing no harm, but on the contrary a pious duty,) alarmed me. I then perceived, He crossed ground, I heard him puff close at my back. In my eagerness to escape, I attempted to jump over a cooler full of ale. I should easily have accomplished the leap, had it not happened that at that moment my father's hand arrested me by the trowser's behind. He checked the impetus of my spring, and I fell, with the ink bottle, host, and cat, into the middle of the streaming liquid.

I screamed, the cat mowed, my father swore. But the death of my mother, I suppose, had softened his heart; for in a minute he recovered his good humour, laughed at the cat and me, and said, "It did not matter, as the host was the only thing that would be the worse for it." However, he made up his mind to send me to school forthwith, "to improve my manners, and have me out of harm's way."

To school I was sent, and there I remained until I was twelve years old, when, put me into his counting house, and taught me the arts of book-keeping and brewing. The latter I found was a far more intricate and mysterious process than the mere mixture of malt and hops.

Years went on. I grew up into a man; but as I advanced the little trade declined. It was not a place of much trade, and as the inhabitants died away, they were not rapidly succeeded by fresh settlers. The mortality of the place was certainly great. The air was voted unhealthy, though formerly it had been considered the reverse. By some extraordinary fatality, my father's best customers were always the first to

drop off. I felt for him, and myself, for I was taken into partnership; and my mind sympathized with Moore's beautiful lines:

"Oh ever thus from childhood's hour,
I've seen this fondest hopes decay:
I never nurs'd a tree or flower,
But was the first to fade away."

"I never nurs'd a dear gazelle
To glad me with its dark black eye,
But when it came to know me well,
And love me, it was sure to die!"

But, after all, what are the gazelles to customers? and what is the sight of its eye to the sight of a bill for beer made out, ready for payment? Alas! these bills decreased as the town decayed, and ere long the Gazette presented the names of "R. Killman & Son, Brewers." The shock upset my father, he never looked up afterwards, and the very day week after the above announcement, I saw his heels standing out of a large wheel-tub. He had chosen the life of Clarence.

With the few pounds left to me I fled from the fatal neighborhood to London. In that vast metropolis I had no chance of setting up in my trade again; there were too many in it already, with larger capitals, and equal skill in composition to myself. For some time I served in one of the principal breweries as a clerk—but my salary was so small, that I could neither pay for wine nor brandy; malt liquor I could not drink—I was too much behind the scene for that—and for water, which I estimated at a very different value from that put upon it by Pindar, I had a constitutional antipathy—I was a second Tantalus, dying of thirst amidst a profusion of beverage—I could hear it no longer—I left my situation.

I was walking, with little in my pockets except my hands, in a most melancholy mood along Bloomsbury Square, when a man held out a paper to me. I took it, and found it to be the puff of a patent medicine. A new light broke in upon me. I cried out, "Eureka!" and cut a caper in the air for joy. My plans were quickly settled. I investigated my remaining money in drugs, plasters, and a chest, and set out on a tour to the country, resolving to become, like an actor or counsellor, with provincial celebrity first. It was indifferent to me whether I directed my steps and the accident of seeing a notice of reduced fares, led me to look my place for Birmingham.

As soon as I arrived at that populous town, I boldly engaged a handsome lodging, and put an advertisement into the papers, wherein, drawing upon the credit of my future fame, I announced that Doctor Thalaba Killman was to be consulted on every disease to which the human frame is liable, but he had more especially devoted to his attention, the nervous, cutaneous, chronic, eczematous, internal, and mental disorders. This doctor, had studied the superior practice of the continent, he had been entrusted to draw the teeth of the Emperor of Russia, had operated on the King of Prussia for the stone, and cured the Queen of Sardinia of dyspepsia vulgaris. From these distinguished individuals, and others no less celebrated, had received the most satisfactory testimonials.

I spent the interval, till the appearance of my advertisement, in writing out autographs of those illustrious persons, and in mixing my newly invented Balm of Bethesda. This consisted of stimulating and narcotic drugs, most of which had formerly been used by my respected father, but in more diluted quantities.

The first patient that ever visited me was an elderly lady, who complained of lowness of spirits. She said she was always miserable except when in company. I did not wonder at this, when I heard her mode of life, which was to play at cards to a very late hour every night, and to be in bed till an equally late one the next day. She said she wished for some medicine which would not interfere with her usual amusements. I gave her three of my guinea bottles of the Balm, and desired her to call again, when she had taken them. I saw her no more.

On referring to my Journal, (I had subscribed it my Diary,) I find the next who came was of the same sex, but a very different age. Her complaint was love, and her lover had been fickle. I sold her two bottles of my Balm. She called again in a week, and she had taken it all, had felt very sick and ill in body, but had quite got over her original complaint. I told her she had better have a couple of bottles by her for future occasions, to which she agreed. I understood that shortly afterwards she had a large sum of money left her, that, by a *casual confidence*, she again met her former lover, who made her an offer, and they were married immediately. She is alive and well, and keeps my bottles by her, in case she should ever fall in love with any one else. Her marriage has quite saved her from all danger of falling in love again with the same party.

The third case at Birmingham—but I will not go into the particulars.

Suffice it to say, it ended in a coroner's inquest. A verdict of manslaughter was returned, and I was put into prison to await my trial. At the assizes an error in the indictment entitled me to an acquittal, and being set at liberty, I returned to my lodgings, put a long letter into the paper, proving the skill with which I had acted, and that I had been made the victim of the envy and malice of certain resident practitioners—and was as well attended as ever. Wonderful is the credulity of the public.

I tried my hand at several other towns: Manchester, Sheffield, Leeds, all had the benefit of my presence. The same success attended me at each of them; that is to say, I enriched myself and benefited my patients—by transplanting them to "another and a happier world."

Having accumulated a considerable sum of money, I resolved to discontinue my wandering life, and open my grand campaign in the metropolis. I therefore made arrangements for the sale of my balm, with agents in the different places I had visited, and took a large house in Berners street.

The first thing I did, was to compose a number of new testimonials, and to dress a man up in a striking and appropriate costume, to dispense my announcement to the citizens. His dress was parti-colored—half spotted, to signify the plague and eruptive diseases. The following is a copy of my circulars—

"VIVE VALEUR. Art thou afflicted, and wouldst thou be healed? Go to No. 400, Berners street, and consult Dr. Thalaba Killman. All diseases arise from one source, the unhealthiness and derangement of the system. To cure this, Dr. T. K., after intense study and long practice, by a heavenly thought discovered the wonderful, miraculous, and infallible Balm of Bethesda. Be timely wise. The poet has judiciously pointed out the greatest desiderata of life, and which he has placed first—

"HEALTH, peace and competence!"

"In addition to testimonials from several crowned heads, Dr. T. K. has, amongst many others, received the following grateful acknowledgements from his own countrymen.

"Birmingham, Sept. 6.

"Sir,—I was born deaf, dumb, and blind, and continued in that melancholy state of privation till about a fortnight ago. I have often seen my parents, mingling their tears for hours together, and when I have asked them the reasons, they have answered in voices choked with sobs—'We weep for thee!' Think, sir, of their heart-felt delight at my perfect recovery of every faculty. Three weeks ago, a friend recommended your balm. Less out of hope, than from a sense of duty, which prompted them not to throw a chance away, they bought a bottle. Before I had finished, I could hear certain articulate noises, and could stammer a few words, and there was a glimmering of light. By the end of the second bottle, I could hear my mother's tongue going from morn till night. I could get in a word or two, and I could distinguish that her dear voice was red. The third bottle made a man of me. I could understand all that every body said in my language; I could see that my mother's nose was turned up, and I could discourse as fluently as Lord Brougham. These are your doings, and they are acknowledged with a grateful heart by

Your obedient servant,

"MATTHEW MOLE."

"To Dr. Thalaba Killman."

"Sympathy Cottage, Coal Hole Alley, Leeds."

"Mrs. Alicia Lathia de Montmorency Sniggs presents her unfeigned acknowledgements to Dr. Killman, and begs to inform him that her little boy has been quite cured of a sore nose and the ringworm, by two bottles of the Balm of Bethesda."

"Manchester, Aug. 4th.

"Sir,—I beg to inform you that some years ago my right ear was most unwarrantably cut off by the sword of a yeomanry soldier. It remained in that state, that I was universally called the cropped donkey, till I was induced to try your esteemed Balm, the effect of which has been such, that my ear has not only grown again, but is twice as large as the other."

Your humble servant,

BALAM FAIRMAN."

I felt I had as much right to issue these testimonials, as Don Matthias had to forge love-letters to himself, and I am happy to say mine were more profitable than his. There were some other letters it is true, really and bona fide sent to me, which I did not publish, preferring those of my own invention.

The following I received from Nottingham:

"Sir for many years I have been enduring the worst pain that the human species, at least the male part of it is liable to, I mean the tooth ache. Year after year I suffered the pangs of extraction, till only one tooth remained in my head. It was then that I heard the fame of your invaluable Balm. Hope catches at a reed; I sent for a bottle. In my eagerness for relief from the fit of pain I was then enduring, I put the neck of the bottle to my mouth without waiting for a cup. The consequence was, I thrust my last tooth out of its place and down my throat. I swallowed it with the Balm, and from that day to this I have been free from the tooth ache."

Yours faithfully,

BENJAMIN GOM."

"To Dr. Killman."

Sheffield, July 20th.

"Sir,—You are a beast, and a rascal; a rogue, a cheat, a thief, a quack, an impostor! I bought two bottles of your stuff to cure me of the stomach ache, and they have made me worse. If I die, I'll be damned if I don't haunt you."

"ALEXANDER LARGE."

Notwithstanding Mr. Large's threat, I have always been less afraid of the dead than the living; and as it will appear, with reason. For, having carried on a most thriving trade for two years, and having amassed a very pretty fortune, my end has been hastened in the following manner.

I had been taking a walk one evening, and had just returned to my own door, when as I raised my hand to the knocker, a person came quickly up to me, and inquired if my name was not Dr. Killman? On my replying in the affirmative, the wretch seized me with the grasp of a Hercules, holding with the tenacity of a vice, he bore me with a blindfold over the head and body, till I sank to the earth exhausted, and then went away, exclaiming, "Now, if I have not done for you, try your own balm."

I was found by the police, and carried into my house. The blows on my head produced temporary derangement. A doctor was sent for, and he prescribed for me. But my housekeeper had too good an opinion of her master to let him take any thing recommended by a stranger. She emptied out the bottles as they were sent, and filled them with Balm of Bethesda.

Unconsciously I partook of my own invention, "La Domium perniciosum suum." Like Perillus, I have been the author of what has caused my own death. My reason has returned, only to tell me I am dying. My housekeeper, as she thought I could understand her, boasted of her artifice and how she had been cheating the doctor. THALABA KILLMAN.

REMARKS OF MR. PRENTISS.

On the question of reception of a Petition from the Society of Friends, praying for the Abolition of Slavery in the District of Columbia—Tuesday, March 1, 1836.

Mr. President: I am unwilling that the vote which I shall feel myself obliged to give upon this question should be liable, from silence on my part, to any misconception. In all my public acts, and on this occasion in particular, I am desirous that the grounds upon which I proceed should be distinctly known, so that no misapprehension may exist, with respect to my conduct or my motives, here or elsewhere. I cannot yield my assent to some of the doctrines which have been advanced in this debate; and I wish to say just enough to prevent the possibility of any inference that I acquiesce in them.

Sir, the abolition of Slavery in the District of Columbia is a question, in all its aspects and relations, of great interest and delicacy. It is a question which I have had no disposition to agitate, especially at this time; and at no time would I interfere, in the slightest manner, with slavery as it exists in some of the States. In my public character, I look upon slavery in the States only as the Constitution of the United States looks upon it; as a State institution, existing under State laws, and subject only to State authority. I know it only as it is known to the Constitution, and would not treat it otherwise than the Constitution treats it. I would leave it where the Constitution has left it, disclaiming all power in Congress over it; and I would neither do nor say anything, in my public capacity here, to disturb the right in this species of property, or in any manner to endanger its security. While I say this, sir, in reference to slavery in the States, I am bound, in candor and frankness, to say, that I regard slavery in this District in a very different light.

The petitions which have been presented here do not ask any interference, or assert any power in Congress to interfere, with slavery in the States. They are confined to Slavery in this District. They complain of its existence here as a public evil, and ask the interposition of Congress to redress the grievance. The Senator from South Carolina (Mr. Calhoun) has moved that the petitions be not received. The Senator from Tennessee (Mr. Buchanan) proposes that the prayer of the petitions be at once rejected.

Sir, I cannot agree to either of these motions. They differ to be sure, in point of form, but the effect of both, it appears to me, is substantially the same. The first in order, the one now before the Senate, denies, in terms, the right to petition at all on the subject. The other, it is true, does not, in form, deny the right; but while it professes to admit the right, it proposes to reject the prayer of the petitions immediately, without a hearing, and without consideration. They are both essentially preliminary motions, precluding alike the usual reference and examination into the merits of the petitions; and, in my judgment, they both, in effect, abridge the right secured by the Constitution; or, more properly speaking, the right recognised by the Constitution as a pre-existing right; a right original and inherent in the People. If we can make no law abridging the right to petition, we surely can neither rightfully refuse to receive a petition, nor reject it, on its reception, without a hearing, without any inquiry into the subject-matter.

The distinction between rejecting the petition, and rejecting the prayer of the petition, immediately on its being received, which is the motion proposed by the Senator from Pennsylvania, is too refined and abstract, in my apprehension, for a subject of such common and universal interest to the People as the privilege and right to petition. The distinction, I must repeat, is to my mind, unimportant, and exists rather in form than in substance. The character of the motion is not altered, or at all varied, by the circumstance, that the motion admits of discussion. Discussion may be had on almost any and every preliminary motion. Discussion, free and liberal discussion, has been had on the motion not to receive. That motion is still pending; and if discussion is all that is to be looked to, every object has been attained, and gentlemen may as well vote for that motion at once. The disposition proposed to be given to the petition, after it shall be received, is equally summary, denying, as it does, investigation and consideration in the accustomed forms of proceeding; and though it may be a formal and technical compliance with the Constitution, it is, after all, of very practical and essential purpose, equivalent to a rejection of the petition itself. If we are bound to receive, we are bound to hear and consider; and an abrupt and premature rejection of the prayer of the petition, if not a denial of the right to petition, is a denial of every thing belonging to the right which is of any importance.

When petitions are decorous in their language, and contain nothing which can be justly deemed intentionally offensive; when they come from persons competent to petition, and treat of subjects upon which it is competent for Congress to act, I hold that we are bound to receive them, and give them a respectful consideration. No petition, in my opinion, ought to be rejected, or can constitutionally be rejected and refused a hearing, on account of the nature of the subject of which it treats, unless the subject be obviously and unquestionably beyond the constitutional power of Congress. With this limitation of the right, it belongs, and must, from the very nature of the right, necessarily belong exclusively to

the petitioners themselves to judge of the subject-matter. If Congress can discriminate between the subjects, and say that upon some subjects petitions may be received, but upon others they shall not be received, what, I ask, becomes of the right to petition? What is the right worth? It will be in vain, sir, that we acknowledge the right, if we thus limit its extent, if we thus control its exercise.

These preliminary notions, for I can call them nothing else, go directly, it appears to me, to impair, to narrow, and abridge the right. If we really mean that the right shall be enjoyed in its just, its legitimate extent, we shall forbear to embarrass it, to render it nugatory, by questions of this sort. We shall rather treat the petitions, as I think we are bound to treat them, and as they have always heretofore been treated, according to the ordinary rules and usages of parliamentary bodies in such cases.

I regret exceedingly the harsh expressions which gentlemen have thought fit to apply to the petitioners. They have been denounced as incendiaries; they have been charged with criminal, with treasonable intentions; with intentions to excite a servile war, and subject the whole Southern country to pillage, havoc, and devastation. Sir, we are apt to fall into the very common error of supposing that all who differ from us, especially on subjects of an interesting and exciting nature, do so from unworthy motives, and not from honest conviction. With some of the persons who have signed petitions on this subject, I am well acquainted. I know them to be intelligent, patriotic, highly respectable. Their propositions may be strongly stated; their arguments may be bold; their illustrations may not be suited to the taste or the judgment of those whose opinions they oppose; but that all the whole combined, proceeds from a consciousness, on their part, of doing and saying what is right, I neither have nor can entertain any doubt.

With me, sir, it does not admit of a question, that the petitioners believe, sincerely believe, what they profess to think that the honor of the country, the prosperity of the country, the best and highest interests of liberty and humanity, are involved in this question. If they are wrong in their opinions, or express them with too much boldness and independence, the fault, if it be one, is to be found in the institutions of the country; in the civil and political principles of the country; in the education of the country. It is from these sources that the petitioners have imbibed their opinions, as well as the spirit which prompts them to express them with manly freedom; and, sir, you cannot by any law you can make, or by any vote which may be here given, repress or restrain the free expression of their opinions, any more than you can stop or check, by legal enactment, or legal coercion, the course and current of their thoughts. It would be unwise to attempt to do so. We should rather treat them as they have heretofore been treated. We should resort to no extraordinary measures. We should observe the ordinary rules and usages of this body, and permit the petitions, as usual, to go to a committee. This is not only the just constitutional course, but the course, in my opinion, enjoined upon us by every consideration of policy, as well as of duty.

Sir, upon the constitutional question, whether Congress has power to abolish slavery in this District, we had some days ago, a very compact, and intelligible argument from the Senator from Virginia; and from the known ability and habits of close and thorough research of the Senator, we have a right to presume, and, indeed, must presume, that every consideration was presented, in support of his doctrine, of which the subject is susceptible. Although the lucid simplicity, the exact and elegant brevity of his style and reasoning, interested and charmed me much, the Senator must pardon me if I say that his argument failed to convince me.

Two propositions were relied upon as the principal basis of the argument. It was insisted, first, that the act of cession of Virginia expressly interdicted the exercise of the power by Congress.

The act, after ceding the territory, and relinquished to the United States "absolute right and exclusive jurisdiction over it," provides "that nothing hereinafter contained shall be construed to vest in the United States any right of property in the soil, or to effect the rights of individuals therein otherwise than the same shall or may be transferred by such individuals to the U. States."

This clause, which was evidently inserted in the act from abundant caution, was intended to define and ascertain, more exact precision, the subject matter of the grant, and to preclude, by express negative words, the possibility of its being construed to transfer any right or interest in the soil itself. This is not only the grammatical reading, but the natural and plain sense of the clause; and, giving to it its utmost import and extent, it is manifest that it imposes no limitation or restriction whatever upon the legislation of Congress.

It was further insisted that, independent of the proviso in the act of cession, Congress did not possess, and could not exercise, the power in question. It was said that neither the Legislature of Virginia nor that of Maryland had any power to abolish the right of property, and that they could not grant or transfer to Congress a power they did not themselves possess.

Sir, the competency of the Legislatures of Virginia and Maryland to cede the territory, and relinquish to the United States full and absolute jurisdiction over it, is not, and I presume will not be denied; and it appears from the act of Virginia that jurisdiction was surrendered to the United States, to be held and exercised "pursuant" to the act expressed, "to the eighth section of the first article of the Constitution of the United States." That section, it will be seen, confers upon Congress "exclusive legislation in all cases whatsoever" over the

territory. When the jurisdiction of "Virginia and Maryland ceased, the jurisdiction of the United States commenced; and the question, whether Congress can abolish slavery in this District, depends, not upon any powers granted to it by the Legislatures of Virginia and Maryland, for they could grant none, but upon the powers given to it by the Constitution of the United States.

The Constitution, as we have already seen, gives to Congress "exclusive legislation in all cases whatsoever" over the District—powers as large and extensive as could well be conferred, and probably as full and absolute as belong to the Legislatures of any of the States. Congress, then, in its local legislation for its District, must have at least as ample power over slavery within its limits as any State Legislature possesses, or can exercise, over slavery in any of the States.

Sir, I hold, and I suppose it will not be denied, that the law of the land is the foundation of all rights of property. They exist only by and under the law, and cannot exist independent of it. They may be said to owe their origin and existence to the Legislature. This is literally and peculiarly the case with respect to the right of property in slaves. No such right, it is well known, is recognised, or even tolerated, by the common law. It is true that a century and a half ago the court of common pleas in England adjudged that *freer would lie for a negro boy, "because,"* said the court, "*they were heathens, and therefore a man might have property in them.*" But, in a subsequent case, a few years afterwards, in the King's Bench, it was determined by the whole court that *freer* would not lie for a negro; any more than for any other man, "*for, by the common law,*" said Lord Holt, "*no man can have a property in another.*"

In all the States where slavery exists, the right of property in slaves must be derived from positive enactments of the Legislature; and in this District, I take it, that, independent of legislation, either original on the part of Congress, or adopted by it, the right does not, and would not exist at all. But it is probably not very material, as to the power of the Legislature over it, whether the right is derived from acts of positive legislation, or from the common law.

I have said, sir, that all rights of property owe their origin and existence either to statute or common law; and I say further, that it cannot be maintained that the Legislature, as the law-maker, has no power whatever over the rights of property. The proposition certainly is not true in a general and unqualified sense. The clause in the Constitution of the States and of the United States, which provides that private property shall not be taken for public use without compensation, certainly implies the existence of a power in the Legislature over it. If a law is made by which a person is deprived of the right to certain property, taken for public use, it is by virtue of such law that the property ceases to be his; and though the law provides a compensation, the right of property is not the less taken away against the will of the proprietor.

The truth is, the rights of property are subject to legislative action and interference except where such action or interference is prohibited or restrained by constitutional provisions. So far as restrictions are imposed upon it by the Constitution, the power of the Legislature is qualified and limited. It is admitted that a right or interest in property once actually vested by law cannot be taken away by the Legislature, except when taken for public use and then only on making compensation. This is made a fundamental principle in the organic systems of this country; and without it, law, to use the language of another, would be tyranny, and government would be oppression. The Constitution, regarding the right of property as one of the most important of rights, and the protection and security of it as one of the chief objects of government, declares that no persons shall be deprived of life, liberty, or property, without due process of law. This process is a judicial process and of course can emanate only from the judiciary. Besides, no person can be deprived of a right, unless he has forfeited such right. The forfeiture can be ascertained and declared only by a judicial tribunal. The adjudication is in its nature a judicial act, which cannot be performed any more than the process already mentioned can be issued by the Legislature; because, according to the theory and provisions of the Constitution, one branch of the Government cannot exercise powers properly belonging to another.

But although a present vested right cannot be taken away by a direct act of legislation, except for the purpose and on the terms which have been stated, the Legislature may, and constantly does, exercise a power over property, in many ways, without being supposed at all to interfere with or disturb the principle of vested interests. Not to mention statutes of limitations, and various other legislative acts which operate upon the rights of property, it regulates and controls the transmission of property by descent, and the disposition of it by will. It can alter, modify, and change the law in these particulars as it pleases. It can say who shall be admitted as heirs, and what shall be the rule of distribution and division among them; or it can declare that property shall not pass at all by descent, but shall, in all cases, escheat to the State. This may seem a strong, and perhaps, a bold proposition. Such a law would, indeed, be very impolitic and unjust, in reference to most species of property; but, general and prospective in its operation, it would be difficult to raise any valid objection to it, on the ground of constitutional power. The question of policy, of right, and justice, is one thing; the question of constitutional power is another. What, I ask, would be deprived of any actual vested interest, by a law pro-